

UNITED STATES DISTRICT COURT

Southern

District of

New York

Covidien AG and Tyco Healthcare Group LP
d/b/a "Covidien,"

V.
CapitalSource Inc.

SUMMONS IN A CIVIL ACTION

08 CV 7151
CASE NUMBER

JUDGE LYNCH

TO: (Name and address of Defendant)

CapitalSource Inc.
4445 Willard Avenue, 12th Floor
Chevy Chase, MD 20815

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Aaron J. Schechter
Kirkland & Ellis LLP
Citigroup Center
153 E. 53rd Street
New York, NY 10022

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

AUG 11 2008


CLERK

Catherine Lapsley

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	9/2/08
NAME OF SERVER (PRINT) <i>TOM MORGAN</i>	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<div style="display: flex; align-items: flex-start;"> <div style="flex: 1;"> <input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: </div> <div style="flex: 2; text-align: right;"> <i>New York, NY</i> <i>Service accepted by defendant's attorney on behalf of defendant.</i> </div> </div> <div style="margin-top: 10px;"> <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: </div> <div style="margin-top: 10px;"> <input type="checkbox"/> Returned unexecuted: </div> <div style="margin-top: 10px;"> <input type="checkbox"/> Other (specify): </div>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="text-align: center;"> Executed on <u>9/2/08</u> Date </div> <div style="text-align: center;">  Signature of Server </div> </div> <div style="text-align: center; margin-top: 20px;"> <u>200 E. Randolph Drive, Chicago, IL 60601</u> Address of Server </div> <div style="text-align: right; margin-top: 100px;"> AUG 11 2008 </div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.